

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: RABISCHONG, Pierre

SERIAL NO.: 10/597,535

ART UNIT: 2431

FILED: June 23, 2008

EXAMINER: Squires, B. S.

TITLE: DEVICE FOR COLLECTING, LOOKING UP, AND PROCESSING DATA,
IN PARTICULAR MEDICAL DATA

Amendment B: REMARKS

Upon entry of the present amendments, previous Claims 12 - 17 have been cancelled and new Claims 18 - 23 substituted therefore. Claims 1-11 were canceled by a previous amendment. Reconsideration of the rejections, in light of the foregoing amendments and present remarks is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Official Action, it is indicated that Claims 12, 16 and 17 were rejected under 35 U.S.C § 102(b) as anticipated by the Avast! Bootable Antivirus & Recovery Tools CD Data Sheet (hereinafter "Avast!" publication). Claims 13-15 were rejected under 35 U.S.C § 103(a) as being obvious over the Avast! publication. Claims 12-17 were also rejected under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particular point and distinctly claim the subject matter in which applicant claims regards as the invention. In particular, the objection was to the use of the phrase "an ISO image file". Additionally, the Examiner had certain formality objections with respect to the language of independent Claim 12.

In reply to the Official Action, Applicant has revised previous Claims 12-17 in the form of new Claims 18-23. In particular, new independent Claim 18 expresses the limitations of previous

independent Claim 12, but expresses such limitations in a more proper U.S. format. In particular, instead of the confusing terms "reading/writing means", applicant has specified a "reading/writing application". Applicant has emphasized that the CD/DVD-ROM includes a software application able to read and write data on the CD/DVD-ROM. Applicant respectfully contends that this features serves to distinguish the present invention from the prior art reference. With the respect to the Avast! publication, Applicant notes that the Avast! publication describes a boot disk for recovery. In particular, it is recited in this publication in the first paragraph that:

Avast! Bootable Antivirus & Recovery Tools
CD (BART CD) is a breakthrough in the field of
administration tools! In short it is a bootable CD giving
you the capability to detect/clean virus infections on a
computer. All of this can be done fast and reliably
without the risk of spreading the infection any further.

As such, it serves to write data on the computer but not on the disk itself. In contrast, the present invention has the CD-ROM with an application able to "write" new data on the CD/DVD-ROM.

Applicant respectfully contends that since this feature is not taught in the Avast! publication, independent Claim 12 (now independent Claim 18) cannot be anticipated by the prior art Avast! publication. As such, independent Claim 18 is properly patentably distinguishable from the prior art.

Relative to the formality rejections, Applicant now states that the mobile computer medium has a "reader/writer application" and that the "reading/writing application" is defined by a burning software application. The previously indefinite ".ISO image file" has been replaced with "a disk image file". It is indicated that this disk image file is "burnable". As such, independent Claim 18 should now recite proper limitations which overcome the formality objections by the Examiner.

Applicant notes that dependent Claims 19 - 23 correspond, respectively, to the limitations found in previous dependent Claims 13 - 17.

Based upon the foregoing analysis, Applicant contends that independent Claim 18 is now in a proper condition for allowance. Additionally, those claims that are now dependent claims on this independent claim should also be in a proper condition for allowance. Reconsideration of the rejections and allowance of the present claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

July 24, 2009
Date

Customer No. 24106

/Andrew W. Chu/
John S. Egbert; Reg. No. 30,627
Andrew W. Chu; Reg. No. 46,625
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax